

## **REMARKS**

The Office Action mailed April 14, 2010 has been received and reviewed. Claims 1-25 and 27-32 are pending in the subject application. Claims 1, 7, 13, 15-18, 21, 22, 29, and 31 have been amended as hereinabove set forth. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

### **Objections to the Claims**

Claims 4, 7, 12, 16, 27 and 29 are objected to due to various alleged informalities. More specifically, it is alleged in the Office Action that the applicant has misspelled the word “wherein.” Applicants respectfully submit that this misspelling occurred only in claim 29, which has been corrected herein.

It is further alleged in the Office Action that in claims 4, 12, 16, and 27, “the term “wherein” appears to be missing after the phrase ‘claim 1,’ ‘claim 15,’ and ‘claim 27,’ respectively. Claim 16 has been amended herein to recite, in part, “wherein the enhancement component matrix further includes . . . ,” rendering the objection thereto moot. Further, Applicants respectfully submit that, because the terms in claims 4, 12, and 27 following the phrases ‘claim 1,’ ‘claim 15,’ and ‘claim 27,’ are “the one or more enhancements comprising,” “the user feedback comprising,” and “the one or more selected enhancement options comprising,” each of which includes a verb ending in “-ing” (“comprising”), the lack of the term “wherein” is appropriate. Applicants respectfully submit that including “wherein” before each of these phrases would be grammatically incorrect and therefore, respectfully request withdrawal of the objection to claims 4, 16, and 27.

Additionally, it is alleged in the Office Action that, in claim 7, “Applicant fails to cancel the phrase ‘of claim 4.’” Claim 7 has been amended herein to cancel the phrase “of claim 4,” and Applicants respectfully request withdrawal of this objection thereto.

### **Rejections based on 35 U.S.C. § 103**

#### **A. Applicable Authority**

To sustain a rejection of a claim under 35 U.S.C. § 103(a), the Examiner must find that a preponderance of the evidence supports a finding of obviousness. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” MPEP § 2141.02(I) (citing *StratoFlex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983)). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03 (quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (C.C.P.A. 1970)). Moreover, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

#### **B.) 35 U.S.C. § 103(a) Rejection of Claims 1-2, 4-11, 13, 15, and 16 Based Upon Petropoulos and Gerace**

Claims 1, 2, 4-11, 13, 15 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos et al., U.S. Patent No. 7,047,502 (hereinafter “Petropoulos”) in view of Gerace, U.S. Patent No. 5,991, 735, (hereinafter “Gerace”).

Independent claim 1, as amended herein, recites in part, “a reporting component that generates an enhancement component matrix for facilitating enhancement selection by the

paid inclusion customer and that provides the enhancement component matrix to the paid inclusion customer, wherein the enhancement component matrix includes: (1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing.” As indicated in the Office Action, with reference to similar features in previously presented claim 31, Petropoulus fails to describe “generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option . . . .” *Office Action*, p. 18. It follows that Petropoulus fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 1 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing”). Moreover, Gerace fails to cure the deficiencies of Peteropoulus in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 1. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 1 obvious. Each of claims 2, 4-11, and 13 depends, either directly or indirectly, from amended independent claim 1. Accordingly, it is respectfully submitted that the

cited art of record fails to render obvious these dependent claims for at least the above-cited reasons. Applicants respectfully submit that claims 1, 2, 4-11, and 13 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereof.

Independent claim 15, as amended herein, recites in part, “a reporting component that provides reports to the paid inclusion customer regarding the paid inclusion listing and performance thereof, wherein at least one of the reports includes an enhancement component matrix for facilitating enhancement selection by the paid inclusion customer, wherein the enhancement component matrix includes: (1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing.” As indicated in the Office Action, with reference to similar features in previously presented claim 31, Petropoulos fails to describe “generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option . . .” *Office Action*, p. 18. It follows that Petropoulos fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 15 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing”). Moreover, Gerace fails to cure the deficiencies of Peteropoulus in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 15. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 15 obvious. Claim 16 depends directly from amended independent claim 15. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this dependent claim for at least the above-cited reasons. Applicants respectfully submit that claims 15 and 16 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereof.

C.) 35 U.S.C. § 103(a) Rejection of Claims 3 and 19 based upon Petropoulos, Gerace, and Cartmell

Claims 3 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Gerace and further in view of Cartmell et al., U.S. Patent No. 7,337,910, (hereinafter “Cartmell”).

As discussed above, the cited combination of Petropoulos and Gerace fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 1 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing”). Moreover, Cartmell fails to cure the deficiencies of Peteropoulos and Gerace in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 1. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 1 obvious. Claim 3 depends indirectly from amended independent claim 1. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this dependent claim for at least the above-cited reasons. Applicants respectfully submit that claim 3 is patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

As discussed above, the cited combination of Petropoulos and Gerace fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 15 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing”). Moreover, Cartmell fails to cure the deficiencies of Peteropoulos and Gerace in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 15. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 15 obvious. Claim 16 depends directly from amended independent claim 15. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this dependent claim for at least the above-cited reasons. Applicants respectfully submit that claim 4068225 v1

16 is patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

D.) 35 U.S.C. § 103(a) Rejection of Claims 12 and 14 based upon Petropoulos, Gerace, and Rodriguez

Claims 12 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Gerace and further in view of Rodriguez, U.S. Publication No. 2004/0056720, (hereinafter “Rodriguez”).

As discussed above, the cited combination of Petropoulos and Gerace fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 1 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing”). Moreover, Rodriguez fails to cure the deficiencies of Peteropoulos and Gerace in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 1. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 1 obvious. Each of claims 12 and 14 depends directly from amended independent claim 1. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious these dependent claims for at least the above-cited reasons. Applicants

respectfully submit that claims 12 and 14 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereof.

E.) 35 U.S.C. § 103(a) Rejection of Claims 17 and 18 Based upon Petropoulos, Gerace, and Nguyen

Claims 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Gerace and further in view of Nguyen et al., U.S. Publication No. 2002/0023077, (hereinafter “Nguyen”).

As discussed above, the cited combination of Petropoulos and Gerace fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 15 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing”).

Moreover, Nguyen fails to cure the deficiencies of Peteropoulos and Gerace in this regard. More specifically, although Nguyen describes, generally, a matrix, Nguyen does not describe a matrix having any of the features recited in amended independent claim 15. In contrast, Nguyen describes “a structured, concept-exhaustive method for searching databases for documents and other electronic files by receiving a plurality of search concepts from the user, designating a first plurality of the search concepts as a first search vector defining a first dimension of the matrix, and designating a second plurality of the search concepts as a second search vector defining a second dimension of the matrix.” *Nguyen*, ¶ [0019] (explaining that “[a] row of the matrix is formed by a row of cells reflecting, on a one to one basis, a search result for

each of the plurality of search concepts within the first search vector [and that a] column of the matrix is formed by a column of cells reflecting, on a one to one basis, a search result for each of the plurality of search concepts within the second search vector”).

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 15. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 15 obvious. Claim 16 depends directly from amended independent claim 15. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this dependent claim for at least the above-cited reasons. Applicants respectfully submit that claim 16 is patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

F.) 35 U.S.C. § 103(a) Rejection of Claim 20 Based upon Petropoulos, Gerace, and Wang

Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Gerace and further in view of Wang et al., U.S. Publication No. 2007/0016491, (hereinafter “Wang”).

As discussed above, the cited combination of Petropoulos and Gerace fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 15 (e.g., “(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing; (2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option; and (3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding

paid inclusion listing"). Moreover, Wang fails to cure the deficiencies of Peteropoulos and Gerace in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 15. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 15 obvious. Claim 20 depends directly from amended independent claim 15. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this dependent claim for at least the above-cited reasons. Applicants respectfully submit that claim 20 is patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

G.) 35 U.S.C. § 103(a) Rejection of Claims 21-23 and 27-30 Based upon Petropoulos and Cartmell

Claims 21-23 and 27-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Cartmell.

Independent claim 21, as amended herein, recites in part, "generating an enhancement component matrix and providing said matrix to the paid inclusion customer, said matrix comprising: (1) at least one row corresponding to the at least one paid inclusion listing; (2) a first column corresponding to the paid inclusion customer selected enhancement option, wherein the first column includes an indication that the corresponding paid inclusion customer selected enhancement option was applied to the at least one paid inclusion listing; and (3) a second column corresponding to a performance attribute, wherein the performance attribute includes information about a user response to the at least one paid inclusion listing." As

indicated in the Office Action, with reference to similar features in previously presented claim 31, Petropoulos fails to describe “generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option and providing the enhancement component matrix to a paid inclusion customer.” *Office Action*, p. 18. It follows that Petropoulos fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 21 (e.g., “(1) at least one row corresponding to the at least one paid inclusion listing; (2) a first column corresponding to the paid inclusion customer selected enhancement option, wherein the first column includes an indication that the corresponding paid inclusion customer selected enhancement option was applied to the at least one paid inclusion listing; and (3) a second column corresponding to a performance attribute, wherein the performance attribute includes information about a user response to the at least one paid inclusion listing”) and providing the matrix to the paid inclusion customer. Moreover, Cartmell fails to cure the deficiencies of Peteropoulos in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 21. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 21 obvious. Each of claims 22, 23 and 27-30 depends, either directly or indirectly, from amended independent claim 21. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious these dependent claims for at least the above-cited reasons. Applicants respectfully submit that claims 21-23 and 27-30 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereof.

H.) 35 U.S.C. § 103(a) Rejection of Claims 24 and 25 Based upon Petropoulos, Cartmell, and Gerace

Claims 24 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Cartmell and further in view of Gerace.

As discussed above, the cited combination of Petropoulos and Cartmell fails to describe generating an enhancement component matrix that includes the features recited in amended independent claim 21 (e.g., “(1) at least one row corresponding to the at least one paid inclusion listing; (2) a first column corresponding to the paid inclusion customer selected enhancement option, wherein the first column includes an indication that the corresponding paid inclusion customer selected enhancement option was applied to the at least one paid inclusion listing; and (3) a second column corresponding to a performance attribute, wherein the performance attribute includes information about a user response to the at least one paid inclusion listing”) and providing the matrix to the paid inclusion customer. Moreover, Gerace fails to cure the deficiencies of Peteropoulos and Cartmell in this regard and is not relied upon as doing so.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 21. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 21 obvious. Each of claims 24 and 25 depends indirectly from amended independent claim 21. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious these dependent claims for at least the above-cited reasons. Applicants

respectfully submit that claims 24 and 25 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereof.

I.) 35 U.S.C. § 103(a) Rejection of Claims 31 and 32 Based upon Petropoulos and Nguyen

Claims 31 and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petropoulos in view of Nguyen.

Independent claim 31, as amended herein, recites in part, “generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option; providing the enhancement component matrix to a paid inclusion customer [and] generating an updated enhancement component matrix, wherein said generating includes: (1) adding an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing; and (2) adding a plurality of additional columns, each of the plurality of additional columns corresponding to user historical data associated with a paid inclusion listing performance attribute; and providing the updated enhancement component matrix to the paid inclusion customer.”

As indicated in the Office Action, with reference to similar features in previously presented claim 31, Petropoulos fails to describe “generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option and providing the enhancement component matrix to a paid inclusion customer.” *Office Action*, p. 18. It follows that Petropoulos fails to

describe generating an updated enhancement component matrix, as recited in amended independent claim 31.

Moreover, Nguyen fails to cure the deficiencies of Peteropoulos in this regard. In contrast, Nguyen describes “a structured, concept-exhaustive method for searching databases for documents and other electronic files by receiving a plurality of search concepts from the user, designating a first plurality of the search concepts as a first search vector defining a first dimension of the matrix, and designating a second plurality of the search concepts as a second search vector defining a second dimension of the matrix.” *Nguyen*, ¶ [0019] (explaining that “[a] row of the matrix is formed by a row of cells reflecting, on a one to one basis, a search result for each of the plurality of search concepts within the first search vector [and that a] column of the matrix is formed by a column of cells reflecting, on a one to one basis, a search result for each of the plurality of search concepts within the second search vector”). For example, Applicants are unable to find any disclosure in Nguyen of generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option. Moreover, Applicants are unable to find any disclosure in Nguyen of generating an updated enhancement component matrix by performing the steps recited in amended independent claim 31.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 31. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 31 obvious. Claim 32 depends directly from amended independent claim 31. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this

dependent claim for at least the above-cited reasons. Applicants respectfully submit that claims 31 and 32 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereof.

**CONCLUSION**

For at least the reasons stated above claims 1-15 and 27-32 are in condition for allowance. As such, Applicants respectfully request entry of the proposed amendments, withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-559-2440 or roloughlin@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number MFCP.150262.

Respectfully submitted,

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